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EXAMINER

KENNY, DANIEL J

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/510,472	<b>Applicant(s)</b> KIM, YOUNG MI	
	<b>Examiner</b> DANIEL KENNY	<b>Art Unit</b> 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/12/2005, 4/25/2006, 7/12/2007</u> .                         | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 9 and 10 (new claim reads on non-elected Group II) are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to the nonelected invention of Group II, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/14/2008. As stated in the restriction requirement, the inventions lack the same or corresponding special technical feature.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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**Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shepherd (4,450,970) in view of Erickson et al. (5,398,468), Smallwood (2,072,386), and Fishman (5,857,578).

Shepherd discloses a panel assembly comprising:

Panels (30) each having a horizontally-elongated rectangular panel body, an upper bent section (32) formed at an upper end of the panel body to define a coupling recess extending in a longitudinal direction of the panel body while being forwardly opened, an engagement protrusion downwardly protruded (it is considered a matter of design choice as to the direction of the engagement protrusion) from the upper end of the panel body while extending in the longitudinal direction of the panel body, a lower bent section (42, 43) rearwardly bent from a lower end of the panel body while extending in the longitudinal direction of the panel body, the prefabricated panels being vertically aligned while being coupled to one another in such a manner that the lower bent section of an upper one of the prefabricated panels vertically adjacent to each other is fitted in the coupling recess of a lower one of the adjacent prefabricated panels; and

longitudinal end finishing members (53) respectively adapted to finish longitudinal ends of the prefabricated panels arranged at an end region of the building construction.

Shepherd does not expressly disclose:

corner finishing members each adapted to finish facing longitudinal ends of the prefabricated panels arranged adjacent to each other at a corner region of the building construction;

panel connecting members each adapted to couple facing longitudinal ends of the prefabricated panels longitudinally aligned while being adjacent to each other to define a junction therebetween;

upper end finishing members respectively adapted to finish upper ends of uppermost ones of the prefabricated panels; and

lower end finishing members respectively adapted to finish lower ends of lowermost ones of the prefabricated panels.

Erickson et al. discloses corner finishing members (24); Smallwood discloses panel connecting members (5); and, Fisman discloses upper and lower end finishing members (18).

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the members of the secondary references because it does no more than yield predictable results of providing a more finished appearance.

**Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shepherd in view of Erickson et al., Smallwood, and Fishman, and in further view of JP 7180324.

Each of the prefabricated panels is not expressly disclosed as having a reinforcing section rearwardly protruded from a rear surface of the panel body of the prefabricated panel while extending in the longitudinal direction of the panel body to reinforce the panel body. JP discloses prefabricated panels having a reinforcing section (14) rearwardly protruded from a rear surface of the panel body of the prefabricated panel

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while extending in the longitudinal direction of the panel body to reinforce the panel body.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the reinforcing of JP because it does no more than yield predictable results of reinforcing the panel.

Claims 3 and 4 – are rejected under 35 U.S.C. 103(a) as being unpatentable over Shepherd in view of Erickson et al., Smallwood, and Fishman, and in further view of Menchetti (4,689,930).

**Claim 3** - Shepherd in view of Erickson et al., Smallwood, and Fishman does not expressly disclose the corner finishing members having a diagonal body portion, a pair of outer extensions extending outwardly from opposite ends of the diagonal body portion in horizontal and vertical directions, respectively, a pair of inner extensions extending inwardly from the opposite ends of the diagonal body portion in vertical and horizontal directions, respectively, and a pair of outer claws protruded outwardly from the inner extensions, respectively, whereby the corner finishing member is coupled with the facing longitudinal ends of the prefabricated panels in such a manner that the facing longitudinal ends of the prefabricated panels are fitted between the outer extensions and the outer claws associated therewith, respectively.

Menchetti discloses corner finishing members (54) having a diagonal body portion (between 58s), a pair of outer extensions extending outwardly from opposite

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ends of the diagonal body portion in horizontal and vertical directions, respectively, a pair of inner extensions (58) extending inwardly from the opposite ends of the diagonal body portion in vertical and horizontal directions, respectively, and a pair of outer claws (60) protruded outwardly from the inner extensions, respectively, whereby the corner finishing member is coupled with facing longitudinal ends of panels in such a manner that the facing ends of the panels are fitted between the outer extensions and the outer claws associated therewith, respectively.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the corner of Menchetti because it does no more than yield predictable results of securely holding the corner trim.

**Claim 4** – Shepherd in view of Erickson et al., Smallwood, and Fishman does not expressly disclose the panel connecting members having a T-shaped body having a horizontal portion and a vertical portion extending vertically, at one end thereof, from a central position of the horizontal portion, and a pair of coupling claws extending inclinedly outwardly from the other end of the vertical portion in the T-shaped body toward the horizontal portion of the T-shaped body at opposite sides of the vertical portion, respectively, whereby the panel connecting member is coupled with the facing longitudinal ends of the junction-defining prefabricated panels in such a manner that the facing longitudinal ends of the junction-defining prefabricated panels are fitted between



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the horizontal portion of the T-shaped body and the coupling claws associated therewith, respectively.

Menchetti discloses panel connecting members (118) having a T-shaped body having a horizontal portion and a vertical portion extending vertically, at one end thereof, from a central position of the horizontal portion, and a pair of coupling claws (on 116) extending inclinedly outwardly from the other end of the vertical portion in the T-shaped body toward the horizontal portion of the T-shaped body at opposite sides of the vertical portion, respectively, whereby the panel connecting member is coupled with the facing longitudinal ends of the junction-defining prefabricated panels in such a manner that the facing longitudinal ends of the junction-defining prefabricated panels are fitted between the horizontal portion of the T-shaped body and the coupling claws associated therewith, respectively.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the connecting member of Menchetti because it does no more than yield predictable results of securely holding the connecting member.

**Claim 5** – is rejected under 35 U.S.C. 103(a) as being unpatentable over Shepherd in view of Erickson et al., Smallwood, and Fishman, and in further view of Wendt (4,127,974).

Shepherd in view of Erickson et al., Smallwood, and Fishman does not expressly disclose the longitudinal end finishing members having an inverted L-shaped body

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having a horizontal portion and a vertical portion, and a coupling claw extending inclinedly from a substantially intermediate position of the vertical portion in the inverted L-shaped body toward the horizontal portion of the inverted L-shaped body, whereby the longitudinal end finishing member is coupled to the longitudinal end of the prefabricated panel associated therewith in such a manner that the longitudinal end of the associated prefabricated panel is fitted between the horizontal portion of the inverted L-shaped body and the coupling claw associated therewith.

Wendt discloses longitudinal end finishing members (17) having an inverted L-shaped body having a horizontal portion and a vertical portion, and a coupling claw (28) extending inclinedly from a substantially intermediate position of the vertical portion in the inverted L-shaped body toward the horizontal portion of the inverted L-shaped body, whereby the longitudinal end finishing member is coupled to an end of a panel associated therewith in such a manner that the end of the associated panel is fitted between the horizontal portion of the inverted L-shaped body and the coupling claw associated therewith.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the longitudinal end finishing members of Wendt because it does no more than yield predictable results of securely holding the longitudinal end finishing members.

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Claims 6 and 7 – are rejected under 35 U.S.C. 103(a) as being unpatentable over Shepherd in view of Erickson et al., Smallwood, and Fishman, and in further view of Itagaki (4,531,331).

**Claim 6** – Shepherd in view of Erickson et al., Smallwood, and Fishman does not expressly disclose the upper end finishing members having an S-shaped body having upper and lower bent portions, and a coupling claw extending inclinedly inwardly from an outer tip of the upper bent portion, whereby the upper end finishing member is coupled with the upper end of the uppermost prefabricated panel associated therewith in such a manner that the coupling claw of the upper end finishing member is engaged with a rear surface of the associated uppermost prefabricated panel at the upper end of the associated uppermost prefabricated panel, and that the lower bent portion is fitted in the fitting recess of the associated uppermost prefabricated panel.

Itagaki discloses an upper end finishing members having a generally S-shaped body having upper and lower bent portions, and a coupling claw (outermost portion bent at 90°) extending inclinedly inwardly from an outer tip of the upper bent portion, whereby the upper end finishing member is coupled with the upper end of the uppermost prefabricated panel associated therewith in such a manner that the coupling claw of the upper end finishing member is engaged with a rear surface of the associated uppermost prefabricated panel at the upper end of the associated uppermost prefabricated panel, and that the lower bent portion is fitted in the fitting recess of the associated uppermost prefabricated panel.

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It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the upper end finishing members of Itagaki because it does no more than yield predictable results of securely holding the upper end finishing members.

**Claim 7** – Shepherd in view of Erickson et al., Smallwood, and Fishman does not expressly disclose the lower end finishing members having an inverted S-shaped body having an upper bent portion defining a forwardly-opened coupling recess, and an engagement protrusion upwardly protruded from an upper end of the inverted S-shaped body, whereby the lower end finishing member is coupled with the lower end of the associated lowermost prefabricated panel in such a manner that the lower bent section of the associated lowermost prefabricated panel is fitted in the coupling recess of the lower end finishing member. However, since it would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the upper end finishing members of Itagaki because it does no more than yield predictable results of securely holding the upper end finishing members, it would be equally obvious to use a similar arrangement as the lower end finishing members because it does no more than yield predictable results of securely holding the lower end finishing members.

**Claim 8** – is rejected under 35 U.S.C. 103(a) as being unpatentable over Shepherd in view of Erickson et al., Smallwood, and Fishman, and in further view of Eisenreich et al. (5,941,026).

Shepherd in view of Erickson et al., Smallwood, and Fishman does not expressly disclose display panel mounting members each coupled with the coupling recess of a selected one of the prefabricated panels, and adapted to mount a display panel for goods to the selected prefabricated panel, each of the display panel mounting members having a hook adapted to be engaged with the engagement protrusion of the prefabricated panel to be coupled with the display panel mounting member, a fitting portion for fitting an end of the display panel therein, and a support portion for supporting the end of the display panel fitted in the fitting portion.

Eisenreich et al. discloses display panel mounting members (Fig. 1) each coupled with the coupling recess of a selected one of the prefabricated panels, and adapted to mount a display panel for goods to the selected prefabricated panel, each of the display panel mounting members having a hook adapted to be engaged with the engagement protrusion of the prefabricated panel to be coupled with the display panel mounting member, a fitting portion for fitting an end of the display panel therein, and a support portion for supporting the end of the display panel fitted in the fitting portion.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the display panel mounting members of Eisenreich et al. because it does no more than yield predictable results of mounting a display panel for goods to the panel.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL KENNY whose telephone number is (571)272-9951. The examiner can normally be reached on Monday thru Friday, 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. K./  
Examiner, Art Unit 3633

/Jeanette E Chapman/  
Primary Examiner, Art Unit 3633